

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WILLARD M. MCNAMARA,

Plaintiff,

v.

STEPHEN BROTHERS, COSCO FIRE  
PROTECTION,

Defendant.

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Case No. 6:24-cv-1602-MC

JUDGMENT

**MCSHANE, Judge:**

When exercising supplemental jurisdiction to consider state claims, federal courts turn to state law when addressing statutes of limitations regarding those state claims. *Harvey's Wagon Wheel, Inc. v. Van Blitter*, 959 F.2d 153, 157 (9th Cir. 1992). Because Plaintiff did not serve Defendants until within 60 days of filing the Complaint, the action here “commenced” outside of the two-year statute of limitations. ORS 12.020(1). Plaintiff argues that federal rule three, not Oregon law, applies and his action “commenced by filing a complaint with the court.”

*Walker v. Armco Steel Corp.*, 446 U.S. 740 (1978) is directly on point and forecloses Plaintiff's argument. Because Plaintiff's Complaint, along with the affidavits of service filed in support of Plaintiff's motions for entry of default, confirm that Plaintiff's claims are untimely, this action is DISMISSED, with prejudice.

DATED this 14th day of February, 2025.

/s/ Michael McShane  
**Michael J. McShane**  
**United States District Judge**